

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALLA BUTLER, IAN HANNAH, and EDITH ZAGROD,

Plaintiffs,

-v-

THE ALL AMERICAN BAR ON FIRST AVENUE INC., 58
E. 34TH ST. WINGS LODGE INC., ROBERT J. GEROLA,
JR., ROBERT O'ROURKE, CLAUDINE M. O'ROURKE,
and LOUISE DEMARCO,

Defendants.

CIVIL ACTION NO.: 21 Civ. 164 (VSB) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Yesterday, the Court conducted a settlement conference, but the parties did not reach an agreement. Accordingly, the Court orders as follows:

1. By **May 27, 2022**, Plaintiffs shall file a letter (the "Letter"):
 - a. advising whether they seek to renew their motion for leave to file a Third Amended Complaint to add a retaliation claim on behalf of Plaintiff Edith Zagrod against Defendants Robert Gerola and Robert O'Rourke (ECF No. 77 ("Plaintiffs' Motion to Amend")) and, if so, including a copy of the Proposed Third Amended Complaint. No further briefing on Plaintiffs' Motion to Amend is required or permitted; and
 - b. advising whether they intend to file a motion for spoliation sanctions against Defendants, and if so, proposing a briefing schedule. The parties shall meet and confer to agree on a briefing schedule.

2. With respect to Defendant Louise DeMarco's requests for leave to file an amended answer and to compel the re-opening of Plaintiffs' depositions "for the limited purpose of probing the allegations they make against [Ms. DeMarco] individually" (ECF No. 82):
 - a. The Court defers judgment on Ms. DeMarco's request for leave to file an amended answer, pending the Court's receipt of the Letter; and
 - b. Ms. DeMarco's request to reopen Plaintiffs' depositions is DENIED. Ms. DeMarco may, however, serve targeted requests for admission regarding Plaintiffs' allegations against Ms. DeMarco. Any such requests for admission shall be served by **June 3, 2022**, with responses due within 30 days of service.

Dated: New York, New York
May 25, 2022

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge